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99TH CONGRESS
2d Session

SENATE

REPORT
99-375

mf210

DR. OSCAR RAUL ESPINOZA MADARIAGA, HIS WIFE, MARIA INEZ, HIS SON, FELIPE ANDRES, AND DAUGHTER, CLAUDIA PAOLA

AUGUST 6 (legislative day, AUGUST 4), 1986.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary,
submitted the following

REPORT

ORIGINAL

[To accompany S. 773]

The Committee on the Judiciary, to which was referred the bill (S. 773) for the relief of Dr. Oscar Raul Espinoza Madariaga, his wife, Maria Inez, his son, Felipe Andres, and daughter, Claudia Paola, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

Granting the status of permanent residence to Dr. Raul Espinoza Madariaga, his wife, Maria Inez, his son, Felipe Andres, and daughter Claudia Paola. The bill provides for the payment of the required visa fees and for an appropriate visa number deduction.

STATEMENT OF FACTS

Dr. Espinoza first entered the U.S. on June 23, 1971 as a nonimmigrant visitor and departed within the specified time. He was last admitted under the Foreign Visitors Exchange program and was authorized to stay until June 30, 1980. The other beneficiaries arrived in the U.S. on October 20, 1977 as dependents of an exchange visitor (Dr. Espinoza).

Dr. Espinoza took the Visa Qualification Examination in September of 1979 and failed part I of the two part examination. He is subject to the two-year foreign residency requirement under section 212(e) of the Immigration and Nationality Act because he received advance medical training in the U.S. on an exchange program.

71-0070

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A letter, with attached memorandum, dated August 24, 1981, to the Chairman of the Senate Committee on the Judiciary, from the Immigration and Naturalization Service with reference to the bill, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, August 24, 1981.

A22-820-925.

A23-490-333.

A23-490-335.

A23-490-337.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washinton, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 1391) for the relief of Doctor Oscar Raul Espinoza Madariaga, his wife, Maria Inez, his son Felipe Andres, and daughter Claudia Paola, there is attached a memorandum of information concerning the beneficiaries.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment, upon payment of the required visa fees.

The beneficiaries, natives of Chile, are chargeable to the nonpreference portion of the numerical limitations for immigrants.

Sincerely,

FOR THE COMMISSIONER

Executive Assistant.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE S. 1391

The beneficiary, Oscar Raul Espinoza Madariaga, a native and citizen of Chile, was born on October 14, 1943. He resides in Fairfield, Texas with his wife and two children. He obtained a Doctor of Medicine Degree from the University of Chile in 1968. He was licensed on March 2, 1980 to practice in the State of Texas and holds no specialty certificates. Doctor Espinoza took the Visa Qualification Examination in September of 1979 and failed part I of the two part examination. He attained a passing grade of 78 percent on the Educational Commission for Foreign Medical Graduates examination, number 102 596-4. He currently has an office in the Medical Center Clinic, practicing as a general surgeon.

The beneficiary, Maria Inez Grob Espinoza, a native and citizen of Chile, was born December 19, 1951. She resides in Fairfield, Texas with her husband and two children. She has a high school education which was obtained in Santiago, Chile in 1976. She is currently employed as a bookkeeper at the Medical Center Clinic, Fairfield, Texas earning about \$7,320 a year. Her parents, three sisters and three brothers are natives and residents of Chile.

Doctor and Mrs. Espinoza were married on June 21, 1971 in Santiago, Chile. There have been two children of this marriage and

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both children, ages 4 and 6, are the third and fourth beneficiaries of this bill. Doctor Espinoza claims an income for the family of about \$50,000 a year. He claims assets of about \$103,000 in real estate and personal property and liabilities of about \$48,000 in mortgage balance and personal loans. Doctor Espinoza's parents, one brother and two sisters are natives and residents of Chile.

Doctor Espinoza first arrived in the United States on June 23, 1971, as a nonimmigrant visitor and departed within the specified time. Doctor Espinoza last arrived in the United States on October 20, 1977 and was admitted under the Foreign Visitors Exchange program, number P-34510, and authorized to remain in the United States until June 30, 1980. The other beneficiaries arrived in the United States on October 20, 1977, as dependents of the principal exchange visitor and were authorized to remain in the United States for the duration of Doctor Espinoza's status. Doctor Espinoza is subject to the two-year foreign residency requirement of section 212(e) of the Act. Doctor Espinoza was found to be deportable and was granted voluntary departure with the alternative of deportation should he fail to depart as required.

A letter dated August 1, 1985, to the Chairman of the Senate Committee on the Judiciary, from the Immigration and Naturalization Service with reference to the bill, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, August 1, 1985.

A22-820-925.
A23-490-333.
A23-490-335.
A23-490-337.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This refers to S. 773 in behalf of Doctor Oscar Raul Espinoza Madariaga, his wife, Maria Inez, and his son, Felipe Andres, and daughter, Claudia Paola, who were also the beneficiaries of S. 488, 98th Congress.

The beneficiary, Doctor Espinoza Madariaga, advised that he now has a United States citizen child born November 12, 1984 in Fairfield, Texas.

Sincerely,

FOR THE COMMISSIONER
MARVIN T. ELY
(For Greg Leo, Director,
Congressional and Public Affairs).

Senator Lloyd Bentsen has submitted the following information in support of his bill:

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U.S. SENATE,
Washington, DC, March 25, 1985.

Re private bill for Oscar Raul Espinoza, Maria Inez, Felipe Andres, and Claudia Paola.

HON. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration and Refugee Policy, Committee on the Judiciary, Washington, DC.

DEAR ALAN: In accordance with the Rules of Private Legislation this letter is submitted on behalf of the private bill I have introduced for the above petitioners.

The following information is required by the Rules of Procedure for Private Legislation, paragraph 2 (c):

Oscar Raul Espinoza: Date of entry: November 10, 1977; Place of entry: Miami, Florida; Immigration status at the time of entry: J-1; Age: 41; Date of birth: October 14, 1943; Place of birth: Santiago, Chile; U.S. address: 734 West Commerce, Fairfield, Texas 75840; Location of U.S. Consulate where Visa was obtained: Santiago, Chile.

Maria Inez Espinoza: Date of entry: November 10, 1977; Place of entry: Miami, Florida; Immigration status at the time of entry: J-2; Age: 33; Date of birth: December 19, 1951; Place of birth: Osorono, Chile; U.S. address: 734 West Commerce, Fairfield, Texas 75840; Location of U.S. Consulate where Visa was obtained: Santiago, Chile.

Claudia Paola Espinoza: Date of entry: November 10, 1977; Place of entry: Miami, Florida; Immigration status at the time of entry: J-2; Age: 11; Date of birth: March 19, 1971; Place of birth: Santiago, Chile; U.S. address: 734 West Commerce, Fairfield, Texas 75840; Location of U.S. Consulate where Visa was obtained: Santiago, Chile.

Felipe Andres Espinoza: Date of entry: November 10, 1977; Place of entry: Miami, Florida; Immigration status at the time of entry: J-2; Age: 7; Date of birth: October 26, 1977; Place of birth: Santiago, Chile; U.S. address: 734 West Commerce, Fairfield, Texas 75840; Location of U.S. Consulate where Visa was obtained: Santiago, Chile.

Dr. Oscar Raul Espinoza last entered the United States on October 26, 1977 as a J-1 non-immigrant, to participate in an exchange visitors program as a post-graduate medical trainee. This program is sponsored by the Education Commission for foreign medical graduates to provide a period of orientation in American medicine, culture and language training.

Dr. Espinoza is currently practicing medicine in the City of Fairfield, Texas. Although there are four other physicians in the city, Dr. Espinoza is the only surgeon. The nearest large medical center for surgery is 60-110 miles away. This distance in and of itself can be critical to a patient requiring immediate medical attention. He serves the citizens of Fairfield and surrounding rural communities. Dr. Espinoza speaks both English and Spanish and is able to provide health-related services to the spanish-speaking people in the area.

Since Dr. Espinoza entered the United States after January 10, 1977, he is subject to a two year foreign residency requirement. As

a foreign medical graduate, he is not eligible for a waiver of the two-year foreign residency requirement under Sec. 212 (e) of the Immigration Nationality Act. Dr. Espinoza was licensed to practice medicine in the State of Texas in March of 1980.

Several community representatives have asked me to introduce this legislation and I am happy to do it. At this point I see Dr. Espinoza contributing to the people of Fairfield and surrounding areas. He sets a fine example and I know of no reason why my legislation should not be enacted swiftly into law. Therefore, I hereby request favorable review of this legislation.

Sincerely,

LLOYD BENTSEN.

STATEMENT OF SENATOR LLOYD BENTSEN SUPPORTING PRIVATE RELIEF
LEGISLATION FOR DR. RAUL ESPINOZA AND FAMILY

I am pleased to introduce legislation for Dr. Oscar Raul Espinoza Madariaga, his wife Inez and their children Claudia and Felipe so that they may ultimately be admitted to the United States for permanent residence status. Dr. Raul Espinoza entered this country on October 26, 1977, as a J-1 non-immigrant to participate in an exchange visitor program as a post graduate medical trainee. This program is sponsored by the Education Commission for Foreign medical graduates to provide a period of orientation in American medicine, culture and language training. Dr. Espinoza's wife Inez and the couple's two children, Claudia and Felipe came to the United States on November 11, 1977 to join Dr. Espinoza.

Dr. Espinoza is currently practicing medicine in the City of Fairfield, Texas. Although there are four other physicians in the city, Dr. Espinoza is the only surgeon. He serves the citizens of Fairfield and surrounding rural communities. The nearest largest medical facilities are between 60 and 110 miles away. The risk of a drive that distance for surgical assistance could jeopardize the life of many of the residents in the community that Dr. Espinoza serves. Additionally, Dr. Espinoza speaks both English and Spanish and is able to provide health related services to the spanish-speaking people in the area.

Since Dr. Espinoza entered the United States after January 10, 1977, he is subject to a two year foreign residency requirement. As a foreign medical graduate, he is not eligible for a waiver of the two year foreign residency requirement under Sec. 212(e) of the Immigration Nationality Act. Dr. Espinoza was licensed to practice medicine in the State of Texas in 1980.

Several Community leaders in Fairfield have asked me to introduce this legislation on behalf of Dr. Espinoza, because of his tremendous contribution and service to the people of Fairfield and outer lying areas. I admire Dr. Espinoza's dedication and know of no reason why my bill should not be enacted swiftly into law.

RELIEF OF MADARIAGA FAMILY

Mr. BENTSEN. Mr. President, I am pleased to introduce legislation for Dr. Oscar Raul Espinoza Madariaga, his wife Inez and their children Claudia and Felipe so that they may ultimately be admitted to the United States for permanent residence status. Dr.

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Raul Espinoza, entered this country on October 26, 1977, as a J-1 nonimmigrant to participate in an exchange visitor program as a post graduate medical trainee. This program is sponsored by the Education Commission for Foreign Medical Graduates to provide a period of orientation in American medicine, culture, and language training. Dr. Espinoza's wife Inez and the couple's two children, Claudia and Felipe came to the United States on November 11, 1977 to join Dr. Espinoza.

Dr. Espinoza is currently practicing medicine in the city of Fairfield, TX. Although there are four other physicians in the city, Dr. Espinoza is the only surgeon. He serves the citizens of Fairchild and surrounding rural communities. The nearest large medical facilities are between 60 and 110 miles away. The risk of a drive that distance for surgical assistance could jeopardize the life of many of the residents in the community that Dr. Espinoza serves. Additionally, Dr. Espinoza speaks both English and Spanish and is able to provide health related services to the Spanish speaking people in the area.

Since Dr. Espinoza entered the United States after January 10, 1977, he is subject to a 2 year foreign residency requirement. As a foreign medical graduate, he is not eligible for a waiver of the 2 year foreign residency requirement under section 212(e) of the Immigration Nationality Act. Dr. Espinoza was licensed to practice medicine in the State of Texas in 1980.

Several community leaders in Fairfield have asked me to introduce this legislation on behalf of Dr. Espinoza, because of his tremendous contribution and service to the people of Fairfield and outer lying areas. I admire Dr. Espinoza's dedication and know of no reason why my bill should not be enacted swiftly into law.

COST

No cost would result from enactment of this bill.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b)(1), rule XXVI of the Standing Rules of the Senate, it is hereby stated that the committee anticipates that the bill will have no additional direct regulatory impact inasmuch as it affects just four individuals.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 527) should be enacted.

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